

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 28634 of 2014 (D)

PETITIONER :

**GEORGE, AGED 70 YEARS,
S/O.DANIEL, RESIDING AT MANJEERIL VEEDU,
MUDIYOOR KONAM P.O., PANDALAM VILLAGE,
ADOOR TALUK-689 501.**

**BY ADVS.SMT.T.S.MAYA (THIYADIL)
SRI.P.YAHAMMED PHYSI**

RESPONDENT(S):

- 1. THAHAZILDAR REVENUE RECOVERY(RR),
ADOOR, PIN-681 523.**
- 2. VILLAGE OFFICER,
PANDALAM THEKKEKKARA VILLAGE,
KURAMPALA, ADOOR TALUK, PIN-681 523.**

R1 & R2 BY GOVERNMENT PLEADER SRI.SHYSON P. MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

W(C).No. 28634 of 2014 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE TREATMENT DETAILS OF PETITIONER'S WIFE.
- EXT.P2. TRUE COPY OF THE RECOVERY NOTICE DATED 24/7/2014.
- EXT.P3. TRUE COPY OF VAKKALTH AND COPY OF APPLICATION FILED BY THE
PETITIONER BEFORE THE MACT, PATHANAMTHITTA.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No.28634 of 2014 (D)

.....
Dated this the 9th day of March, 2015

JUDGMENT

The petitioner, who is faced with revenue recovery proceedings for recovery of the amounts confirmed against him by an award of the Motor Accident Claims Tribunal, Pathanamthitta, has filed this writ petition, inter alia on the ground that a copy of the award of the MACT had not been served on him and he was, therefore, not aware of the liability for recovery of which the notices under the Revenue Recovery Act were issued to him.

2.I have heard Smt.T.S.Maya, the learned counsel for the petitioner and Sri.Shyson P. Manguzha, the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar and, in particular, the submission of the learned counsel for the petitioner that, the petitioner has since obtained a copy of the award passed by the MACT, Pathanamthitta, and the said award was passed ex parte as against the petitioner, I am of the view that, the interests of justice will be served by staying the recovery proceedings against the petitioner for a period of two weeks so as to enable the petitioner to approach the MACT, Pathanamthitta with a

petition for setting aside the ex parte award. Thus, the writ petition is disposed with the following directions :

(i) The revenue recovery proceedings initiated against the petitioner by Ext.P2 notice shall be kept in abeyance for a period of two weeks from the date of receipt of a copy of this judgment.

(ii) The petitioner shall in the meanwhile take steps to approach the MACT, Pathanamthitta with a petition for setting aside the ex parte award passed against him or take other steps as deemed appropriate against the said award passed against him.

It is made clear that, the stay granted above, shall cease to be in force on the expiry of the aforementioned period of two weeks.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/09/03/